

**US Army Corps
of Engineers®**

PUBLIC NOTICE

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-1999-15256-KW

Comment Period: December 22, 2008 through January 22, 2009

Project Manager: Kenneth Wong; 213-452-3290; Kenneth.Wong@usace.army.mil

Applicant

Mr. Jeff Edwards
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(562) 570-8918

Contact

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Anchor Environmental
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Location

Various channels, bays, and harbors within the City of Long Beach (see attached figures).

Activity

Regional General Permit (RGP) 30 allows maintenance dredging in various channels, bays, and harbors in the City of Long Beach on an annual basis. The RGP currently allows for up to 90,000 cubic yards of material to be dredged cumulatively from the locations shown on the attached figures. The City submits case-by-case disposal suitability analyses to the Corps, U.S. Environmental Protection Agency (USEPA), California Coastal Commission (CCC), and Los Angeles Regional Water Quality Control Board (LARWQCB) for each location to be dredged. The City is seeking two modifications to RGP 30. The proposed modifications are:

1. Expand the boundary of the geographical area and depth limits covered under RGP 30 to include the Federal channel in the Los Angeles River Estuary and adjacent channel area within City jurisdiction. The annual volume limitation for this dredging would be 100,000 cy, and the area would be dredged to the design depth of -20 feet mean lower low water (MLLW). Figure 1 depicts the previous RGP limits around West Beach and Queensway Bay, and Figure 2 depicts the proposed addition. All other existing locations (additional sites covered under the RGP are shown in Figure 3) remain unchanged.
2. Increase the annual maximum volume to 150,000 cy and extend the expiration date of RGP 30 to 2012.
3. Extend the RGP 30 expiration date from September 2010 to September 20, 2012.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the River and Harbor Act of March 3, 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) . Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch
ATTN: CESPL-RG-NL1999-15256-KW
P.O. Box 532711
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: Kenneth.Wong@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The City has previously obtained 401 Certification/Waste Discharge Requirements (401/WDR) for RGP 30. The LARWQCB has determined modification to the 401/WDR is not required.

Coastal Zone Management- The City has requested a renewal of their Coastal Development Permit (CDP) and Federal Consistency Certification (FCC) for the proposed project.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. The California least tern (*Sterna antillarum browni*) and California brown pelican (*Pelecanus occidentalis*) are federally and state listed as endangered under the Endangered Species Act (ESA) of 1973. The current RGP restricts the City from conducting beach nourishment activities within the nesting window of March 15th thru September 1st. Furthermore, the proposed additional area to be covered under the RGP is a high-vessel traffic area, subject to ongoing disturbance from recreational and commercial vessel traffic. The Corps frequently conducts limited maintenance dredging in the area of the proposed modification, and the channel is subject to high storm flows and frequent deposition of fine materials. Therefore, with the continued implementation of the current permit conditions, additional consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Essential Fish Habitat - The proposed modifications to RGP 30 would extend authorization for maintenance dredging within various channels, bays, and harbors within the City of Long Beach, and incorporate additional geographic areas as indicated above. The project footprint is located within an area designated as an Essential Fish Habitat (EFH) for two Fishery Management Plans, the Coastal Pelagics Plan and the Pacific Groundfish Management Plan. Dredging would entail direct mechanical disturbance of the benthic substrate. Impacted areas could include locations that support eelgrass. Furthermore, dredging and the discharge of suitable dredged material within the nearshore environment for beach nourishment would temporarily increase turbidity and suspended solids at the dredging site and/or the nearshore environment, resulting in decreased light penetration and burying of benthic species and habitat. Noise disturbance associated with project activities could also have short-term adverse impacts on aquatic habitat. Based on above, the Corps determines that the proposed project may adversely affect EFH. Therefore, this notice initiates the EFH consultation process pursuant to Magnuson-Stevens Act.

The proposed modification, if authorized, would continue to retain EFH minimization measures from the current RGP 30.

- (1) The permittee shall not conduct beach nourishment activities within the nesting window of March 15th thru September 1st in order to reduce impacts on the grunion (*Leuresthes tenuis*).
- (2) A pre-construction survey of the project area for *Caulerpa taxifolin* (*Caulerpa*) shall be conducted in accordance with the *Caulerpa* Control Protocol (see <http://swr.csd.edl/hcd/ccpvl.htm>) not earlier than 90 calendar days prior to planned construction and not later than 30 calendar days prior to construction. The results of that survey shall be furnished to the Corps, NOAA Fisheries, and the California

Department of Fish and Game (CDFG) at least 15 calendar days prior to initiation of work in navigable waters. In the event that *Caulerpa* is detected within the project area, the Permittee shall not commence work until such time as the infestation has been isolated, treated, and the risk of spread is eliminated as confirmed in writing by the Corps, in consultation with NOAA Fisheries and CDFG.

- (3) Prior to each maintenance dredging event, a pre-project eelgrass survey should be conducted in accordance with the Southern California Eelgrass Mitigation Policy (<http://swr.nmfs.noaa.gov/hcd/eelpol.htm>). If the pre-project survey demonstrates eelgrass presence within the project vicinity, a post-project survey should be conducted and impacts to eelgrass mitigated in accordance with the SCEMP.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic project purpose for the proposed project is maintenance dredging, which is water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to maintain City of Long Beach channels, bays, and harbors at their authorized and safe design depths and configurations.

Additional Project Information

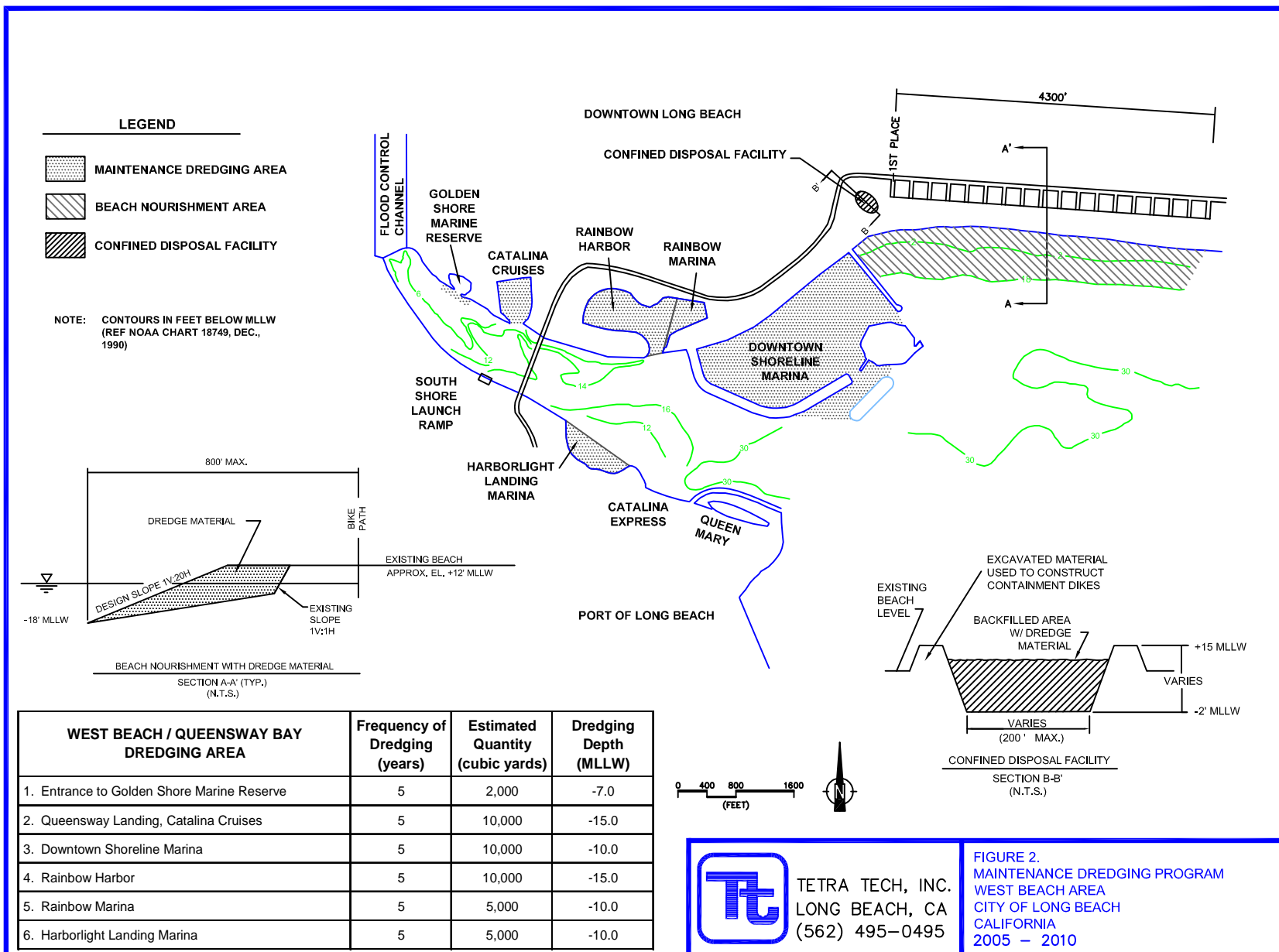
The Corps maintains the federal channel at a depth of -20 feet MLLW, but budget constraints frequently prevent the Corps from dredging to the full -20 feet MLLW throughout the full extent of the federal channel. This shoaling and depth limitation impacts the City economically by limiting commercial and recreational boating operations. As a result, the City desires to have the ability under RGP 30 to dredge the portion of the federal channel indicated in Figure 2 as well as areas between the channel and channel limits in order to remove shoals.

The proposed changes to the RGP would result in similar impacts to activities authorized by the existing RGP and, as a result, the Corps anticipates that existing mitigation measures would be adequate to avoid and minimize impacts to the marine environment

Proposed Special Conditions

Special Conditions from the existing RGP 30 would remain unchanged and continue to be retained.

For additional information, please call Kenneth Wong of my staff at (213) 452-3290. This public notice is issued by the Chief, Regulatory Division.



Source: Prepared from figure by Tetra Tech dated 2003

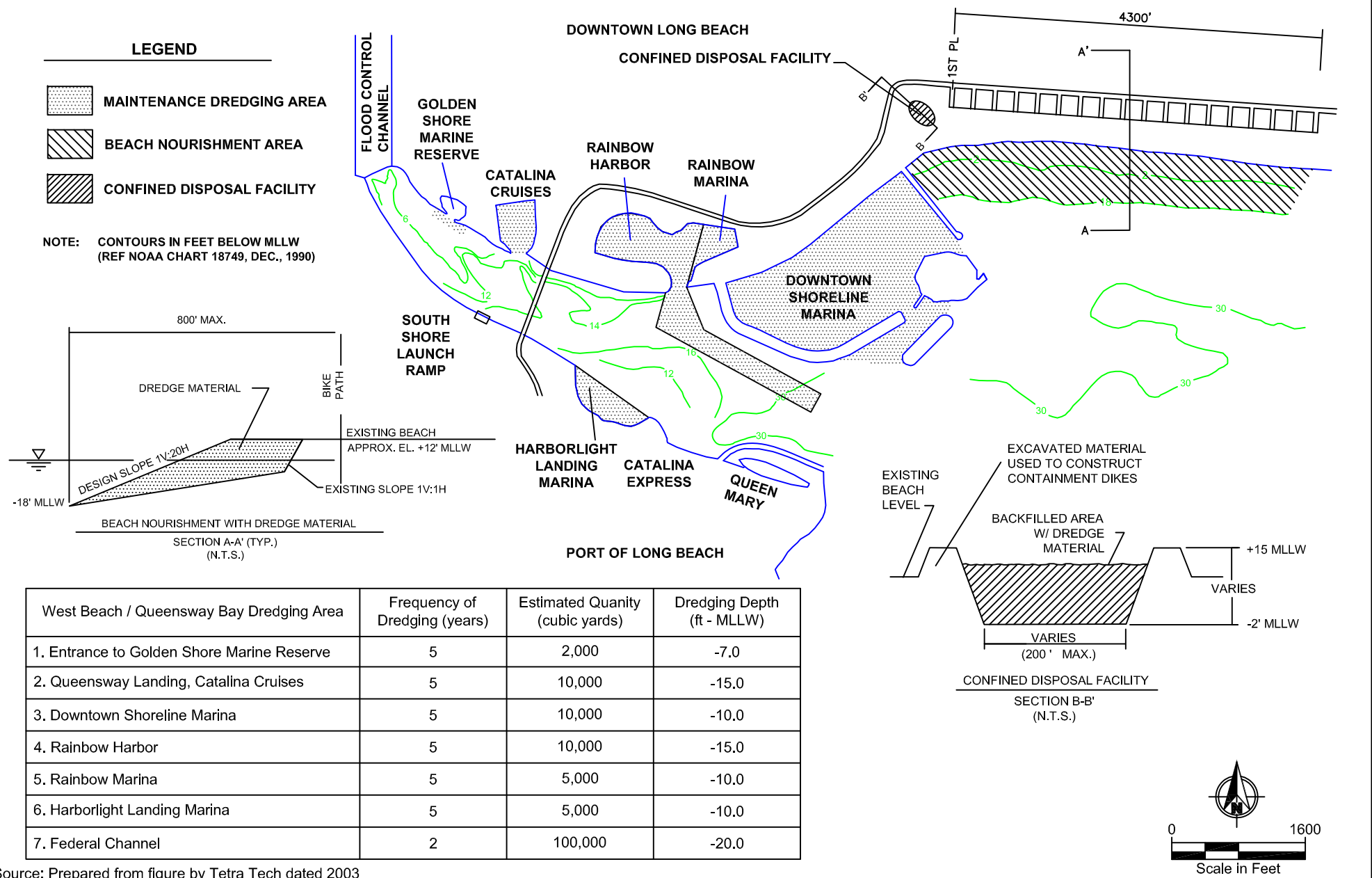
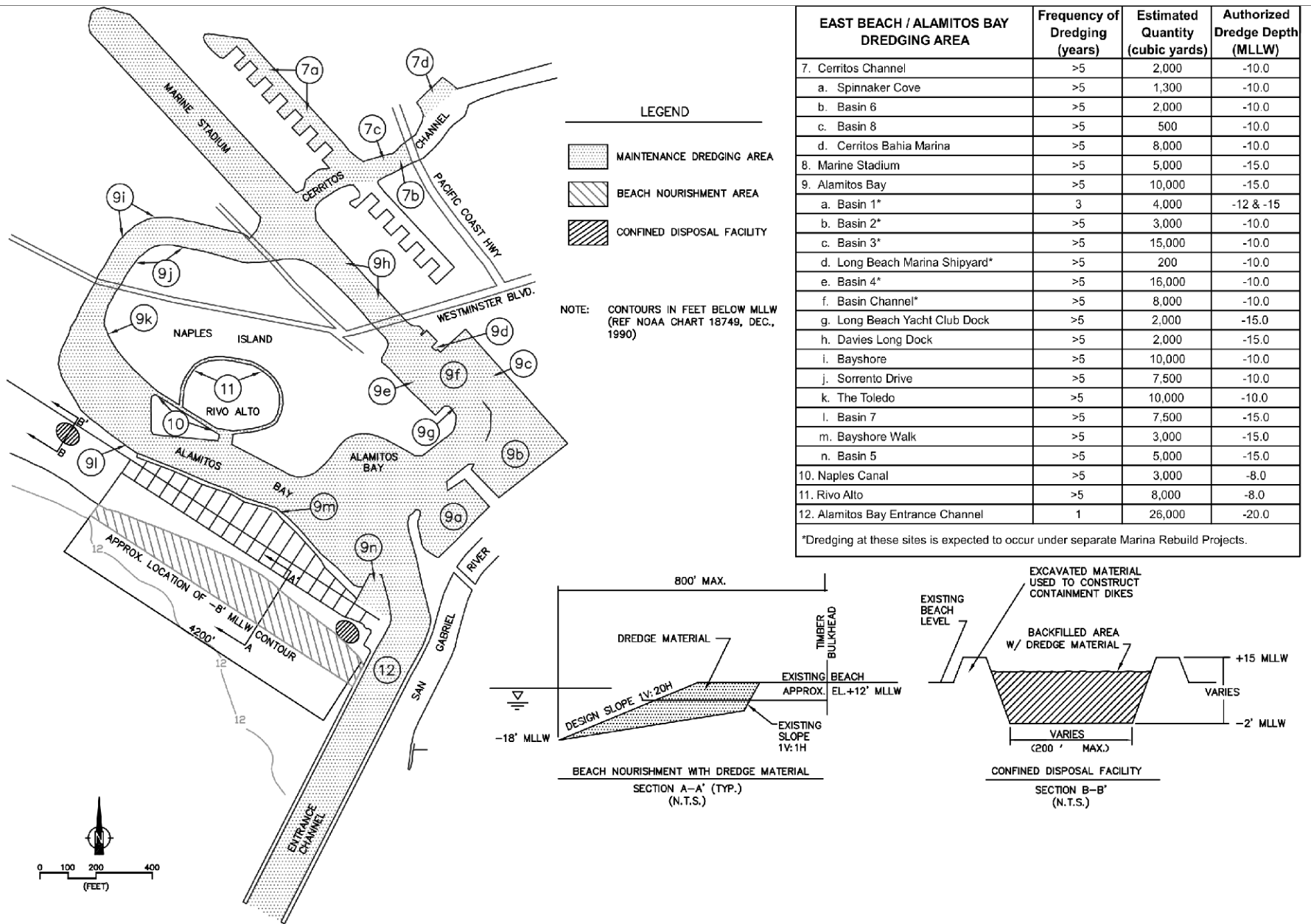


Figure 2
Revised Maintenance Dredging Program
Rainbow Harbor Channel Dredging



Source: Prepared from figure by Tetra Tech.

Figure 3
East Beach and Alamos Bay Dredging Area
City of Long Beach Maintenance Dredging and Beach Nourishment